

20343. Adulteration of cauliflower. U.S. v. 190 Crates of Cauliflower. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29155. Sample no. 20385-A.)

This action involved a shipment of cauliflower that was found to bear arsenic in an amount which might have rendered the article injurious to health.

On October 7, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 190 crates of cauliflower, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce, on or about September 27, 1932, by Bourk-Donaldson-Taylor, Inc., from Denver, Colo., to Philadelphia, Pa., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "B-D-T-Inc. from Bourk-Donaldson-Taylor, Inc., Denver, Colorado."

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, arsenic.

On October 28, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, Acting Secretary of Agriculture.

20344. Adulteration and misbranding of vinegar. U.S. v. 20 Barrels of Vinegar. Decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 28832. Sample no. 17009-A.)

This action involved a product represented to be cider vinegar, which was found to be a mixture of evaporated apple products, vinegar and distilled vinegar.

On August 30, 1932, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 20 barrels of vinegar, remaining in the original packages at Hopkinsville, Ky., alleging that the article had been shipped in interstate commerce, on or about August 7, 1932, by the Speas Manufacturing Co., from Memphis, Tenn., to Hopkinsville, Ky., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "40 Grain Extra Fancy Table and Pickling Vinegar Old Time Pure Apple Cider Vinegar Manufactured by Speas Mfg. Co., Memphis, Tenn."

It was alleged in the libel that the article was adulterated in that a mixture of evaporated apple products, vinegar and distilled vinegar, had been substituted for the article.

Misbranding was alleged for the reason that the statements on the label, "Vinegar, * * * Pure Apple Cider Vinegar", were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On September 24, 1932, Ragland, Potter & Co., Hopkinsville, Ky., having appeared as claimant for the property, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it be relabeled under the supervision of this Department, "Distilled and Evaporated Apple Products Vinegar."

R. G. TUGWELL, Acting Secretary of Agriculture.

20345. Adulteration of canned tomatoes. U.S. v. 997 and 1,998 Cases of Canned Tomatoes. Decrees of condemnation and forfeiture. Portion of product released under bond; remainder destroyed. (F. & D. nos. 28926, 28951. Sample nos. 10477-A, 11719-A.)

These actions involved quantities of canned tomatoes, samples of which were found to contain maggots.

On or about September 20 and 26, 1932, the United States attorney for the District of Connecticut, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 2,995 cases of canned tomatoes, remaining in the original unbroken packages, in part at Bridgeport, Conn., and in part at East Hartford, Conn., alleging that the article had been shipped in interstate commerce on or about June 15, 1932, by the First National Stores, from Boston, Mass., into the State of Connecticut, and charging adulteration in